

The Honorable Judge Robert S. Lasnik

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

JAMES MCDONALD,

Plaintiff,

v.

ONEWEST BANK, FSB, NORTHWEST  
TRUSTEE SERVICES, INC., MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
INC., INDYMAC BANK FSB, DOES 1-50,

Defendants.

No. C10-1952 RSL

**DEFENDANT NWTS' ANSWER TO  
PLAINTIFF'S SECOND AMENDED  
COMPLAINT**

Defendant Northwest Trustee Services, Inc. ("NWTS") submits this Answer in response to Plaintiff James McDonald's ("Plaintiff") Second Amended Complaint ("SAC") as follows. All allegations not expressly admitted, denied, or otherwise pled below are hereby to be construed as denied.

**I. JURISDICTION, VENUE AND PARTIES**

1.1 NWTS admits the allegations of Paragraph 1.1.

1.2 NWTS asserts the Note speaks for itself and the Deed of Trust speaks for itself. To the extent an answer is required, NWTS lacks sufficient information to admit or deny the remaining allegations of Paragraph 1.2 and on that basis deny them.

1.3 Defendant OneWest admits that it does business in King County, Washington with headquarters located in Pasadena, CA. NWTs lacks sufficient information to admit or deny the allegations of Paragraph 1.3 and on that basis deny them.

1.4 NWTs is a Washington based corporation and recorded a Notice of Trustee's Sale for the above referenced Property. NWTs asserts the Notice of Trustee's Sale speaks for itself. To the extent an answer is required, NWTs lacks sufficient information to admit or deny the remaining allegations of Paragraph 1.4 and on that basis denies them.

1.5 Defendant MERS admits that it is a corporation in Delaware and is listed as the beneficiary of the Deed of Trust named by the original lender Indymac Bank, FSB. NWTs lacks sufficient information to admit or deny the remaining allegations of Paragraph 1.5 and on that basis denies them.

1.6 NWTs lacks sufficient information or belief to either admit or deny the allegations of Paragraph 1.6 and therefore deny them.

1.7 The statement in Paragraph 1.7 of the SAC is a statement that does not warrant a denial or admission from NWTs.

## II. BACKGROUND FACTS AND HISTORY

2.1 NWTs asserts that the Note speaks for itself, and the Deed of Trust speaks for itself. To the extent an answer is required, NWTs lacks sufficient information to admit or deny the remaining allegations of Paragraph 2.1 and on this basis deny them.

2.2 The statement in Paragraph 2.2 of the SAC is a statement that does not warrant a denial or admission from NWTs. To the extent an answer is required, NWTs asserts that the Note speaks for itself.

1           2.3    The statements in Paragraph 2.3 contain legal conclusions and NWTs is not  
2                   required to respond. To the extent an answer is required, NWTs lacks sufficient  
3                   information to admit or deny the remaining allegations of Paragraph 2.3 and on this  
4                   basis deny them.

5  
6           2.4    The statements in Paragraph 2.4 contain legal conclusions and NWTs is not  
7                   required to respond. NWTs asserts that the Notice of Default speaks for itself. To  
8                   the extent an answer is required, NWTs lacks sufficient information to admit or  
9                   deny the remaining allegations of Paragraph 2.4 and on this basis deny them.

10           2.4.1   The statements in Paragraph 2.4.1 contain legal conclusions and NWTs is  
11                   not required to respond. NWTs asserts the Beneficiary Declaration speaks  
12                   for itself. To the extent an answer is required, NWTs lacks sufficient  
13                   information to admit or deny the remaining allegations of Paragraph 2.4.1  
14                   and on this basis deny them.

15  
16           2.5    The statements in Paragraph 2.5 contain legal conclusions and NWTs is not  
17                   required to respond. To the extent an answer is required, NWTs lacks sufficient  
18                   information to admit or deny the remaining allegations of Paragraph 2.5 and on this  
19                   basis deny them.

20  
21           2.6    To the extent the statements in Paragraph 2.6 contains legal conclusions, NWTs  
22                   is not required to respond. NWTs asserts that the Assignment of the Deed of Trust  
23                   speaks for itself. To the extent an answer is required, NWTs lacks sufficient  
24                   information to admit or deny the remaining allegations of Paragraph 2.6 and on this  
25                   basis deny them.

1       2.7    To the extent the statements in Paragraph 2.7 contains legal conclusions, NWTS  
2           is not required to respond.   NWTS asserts that the Appointment of Successor  
3           Trustee speaks for itself. To the extent an answer is required, NWTS lacks sufficient  
4           information to admit or deny the remaining allegations of Paragraph 2.7 and on this  
5           basis deny them.

6  
7       2.8    NWTS asserts that the Notice of Trustee's Sale speaks for itself. To the extent an  
8           answer is required, NWTS lacks sufficient information to admit or deny the  
9           remaining allegations of Paragraph 2.8 and on this basis deny them.

10       2.8.1   Parties

11               2.8.1.1 The statement in Paragraph 2.8.1.1 of the SAC is a statement that  
12               does not warrant a denial or admission from NWTS.

13               2.8.1.2 NWTS asserts that the Notice of Trustee Sale speaks for itself. To the  
14               extent an answer is required, NWTS lacks sufficient information to  
15               admit or deny the remaining allegations of Paragraph 2.8.1.2 and on  
16               this basis deny them.

17               2.8.1.3 To the extent the statements in Paragraph 2.8.1.3 of the SAC  
18               contain legal conclusions, NWTS is not required to respond. To the  
19               extent an answer is required, NWTS asserts that the Notice of  
20               Trustee Sale speaks for itself.

21       2.8.2   Fees and Amount to Reinstate in Section II

22               2.8.2.1 The statements in Paragraph 2.8.2.1 of the SAC are statements that  
23               do not warrant a denial or admission from NWTS. To the extent an  
24               answer is required, the Notice of Trustee's Sale speaks for itself.  
25  
26

1                   2.8.2.2 The statements in Paragraph 2.8.2.2 of the SAC are statements that  
2                   do not warrant a denial or admission from NWTs. To the extent an  
3                   answer is required, the statement in Paragraph 2.8.2.2 of the SAC is  
4                   a legal conclusion and NWTs is not required to respond.

5                   2.8.2.3 NWTs asserts that the Notice of Trustee's Sale speaks for itself.

6  
7           2.8.3 To the extent the statements in Paragraph 2.8.3 of the SAC contain legal  
8           conclusions, NWTs is not required to respond. For the remaining  
9           allegations, NWTs asserts that the Notice of Trustee Sale speaks for itself.  
10           To the extent an answer is required, NWTs lacks sufficient information to  
11           admit or deny the remaining allegations of Paragraph 2.8.3 and on this basis  
12           deny them.

13  
14       2.9 NWTs asserts that the Amended Notice of Trustee's Sale speaks for itself. To the  
15       extent an answer is required, NWTs lacks sufficient information to admit or deny  
16       the remaining allegations of Paragraph 2.9 and on this basis deny them.

17       2.9.1 Parties

18               2.9.1.1 The statements in Paragraph 2.9.1.1 of the SAC do not warrant an  
19               admission or denial by NWTs. To the extent an answer is required,  
20               NWTs asserts that the Amended Notice of Trustee Sale speaks for  
21               itself.

22               2.9.1.2 The statement in Paragraph 2.9.1.2 is a statement that does not  
23               warrant a denial or admission from NWTs.

24               2.9.1.3 The statement in Paragraph 2.9.1.3 is a statement that does not  
25               warrant a denial or admission from NWTs. To the extent an answer  
26

1 is required, NWTS asserts that the Amended Notice of Trustee Sale  
2 speaks for itself.

3 2.9.2 Fees and Amount to Reinstate in Section III

4 2.9.2.1 NWTS asserts that the Amended Notice of Trustee Sale speaks for  
5 itself. To the extent an answer is required, the statements in  
6 Paragraph 2.9.2.1 of the SAC are legal conclusions and NWTS is  
7 not required to respond.  
8

9 2.9.3 The statement in Paragraph 2.9.3 is a statement that does not warrant a  
10 denial or admission from NWTS. NWTS asserts that the Notice of  
11 Trustee's Sale speaks for itself.

12 2.9.4 The statement in Paragraph 2.9.4 is a statement that does not warrant a  
13 denial or admission from NWTS. NWTS asserts that the Amended Notice  
14 of Trustee Sale speaks for itself.  
15

16 2.10 To the extent Paragraph 2.10 of the SAC contain legal conclusions, NWTS is not  
17 required to respond. As to the remaining allegations, the statements in Paragraph  
18 2.10 are statements that do not warrant a denial or admission from NWTS. To the  
19 extent an answer is required, NWTS lacks sufficient information to admit or deny  
20 the remaining allegations and on this basis deny them.

21 2.11 The statements in Paragraph 2.11 of the SAC to not warrant a denial or admission  
22 by NWTS. To the extent an answer is required, NWTS lacks sufficient information  
23 to admit or deny the remaining allegations of Paragraph 2.11 and on this basis deny  
24 them.  
25  
26

1           2.12   The statements in Paragraph 2.12 contain legal conclusions and NWTS is not  
2                   required to respond. To the extent an answer is required, NWTS lacks sufficient  
3                   information to admit or deny the remaining allegations of Paragraph 2.12 and on this  
4                   basis deny them.

5           2.13   The statements in Paragraph 2.13 contain legal conclusions and NWTS is not  
6                   required to respond. To the extent an answer is required, NWTS lacks sufficient  
7                   information to admit or deny the remaining allegations of Paragraph 2.13 and on this  
8                   basis deny them.

9           2.14   The statements in Paragraph 2.14 of the SAC do not warrant a denial or admission  
10                   by NWTS. To the extent an answer is required, NWTS lacks sufficient information  
11                   to admit or deny the remaining allegations of Paragraph 2.14 and on this basis deny  
12                   them.

13           2.15   The statements in Paragraph 2.15 contain legal conclusions and NWTS is not  
14                   required to respond. To the extent an answer is required, NWTS lacks sufficient  
15                   information to admit or deny the remaining allegations of Paragraph 2.15 and on this  
16                   basis deny them.

17           2.16   The statements in Paragraph 2.16 of the SAC do not warrant a denial or admission  
18                   by NWTS. To the extent an answer is required, NWTS lacks sufficient information  
19                   to admit or deny the remaining allegations of Paragraph 2.16 and on this basis deny  
20                   them.

21           2.17   The statements in Paragraph 2.17 of the SAC do not warrant a denial or admission  
22                   by NWTS. To the extent an answer is required, NWTS lacks sufficient information  
23                   to admit or deny the remaining allegations of Paragraph 2.17 and on this basis deny  
24                   them.

1 to admit or deny the remaining allegations of Paragraph 2.17 and on this basis deny  
2 them.

### 3 III. PLAINTIFF'S CLAIMS

4 3.1 Violations of the Washington Deed of Trust Act, RCW 61.24 *et seq.*

5 3.1.1 NWTS re-states responses to each and every item and allegation above.

6 3.1.2 The statements in Paragraph 3.1.2 contain legal conclusions and NWTS is  
7 not required to respond. To the extent an answer is required, NWTS lacks  
8 sufficient information to admit or deny the remaining allegations of  
9 Paragraph 3.1.2 and on this basis deny them.

10 3.1.3 NWTS denies the statements in paragraph 3.1.3.

11 3.1.4 The statements in Paragraph 3.1.4 contain legal conclusions and NWTS is  
12 not required to respond. To the extent an answer is required, NWTS lacks  
13 sufficient information to admit or deny the remaining allegations of  
14 Paragraph 3.1.4 and on this basis deny them.

15 3.1.5 NWTS denies the statements in Paragraph 3.1.5.

16 3.1.6 To the extent the statements in Paragraph 3.1.6 contain legal conclusions,  
17 NWTS is not required to respond. NWTS asserts the Notice of Trustee's  
18 Sale speaks for itself. To the extent an answer is required, NWTS lacks  
19 sufficient information to admit or deny the remaining allegations of  
20 Paragraph 3.1.6 and on this basis deny them.

21 3.1.7 To the extent the statements in Paragraph 3.1.7 contain legal conclusions,  
22 NWTS is not required to respond. NWTS asserts the Amended Notice of  
23 Trustee's Sale speaks for itself. To the extent an answer is required, NWTS  
24  
25  
26



1 lacks sufficient information to admit or deny the allegations of Paragraph  
2 3.1.7 and on this basis deny them.

3 3.1.8 NWTS lacks sufficient information to admit or deny the allegations of  
4 Paragraph 3.1.8 and on this basis deny them.

5 3.1.9 NWTS lacks sufficient information to admit or deny the allegations of  
6 Paragraph 3.1.9 and on this basis deny them.

7 3.1.10 NWTS denies the statements in Paragraph 3.1.10.

8 3.1.11 NWTS denies the allegations in Paragraph 3.1.11.

9 3.1.12 The statements in Paragraph 3.1.12 contain request for relief and NWTS is  
10 not required to respond. NWTS denies any implicit assertions contained in  
11 Paragraph 3.1.12.  
12

13 3.2 Violations of RESPA 12 U.S.C. § 2605 *et seq.* & § 2607 *et seq.*  
14

15 3.2.1 NWTS re-states responses to each and every item and allegation above.

16 3.2.2 NWTS lacks sufficient information to admit or deny the allegations of  
17 Paragraph 3.2.2 and on this basis deny them.

18 3.2.3 It seems Plaintiff has struck this paragraph from the SAC. To the extent  
19 Plaintiff has not struck this paragraph, NWTS denies the statements in  
20 Paragraph 3.2.3.

21 3.2.4 It seems Plaintiff has struck this paragraph from the SAC. To the extent  
22 Plaintiff has not struck this paragraph, NWTS lacks sufficient information to  
23 admit or deny the allegations of Paragraph 3.2.4 and on this basis deny them.

24 3.2.5 NWTS lacks sufficient information to admit or deny the allegations of  
25 Paragraph 3.2.5 and on that basis deny them.  
26

1 3.2.6 NWTS lacks sufficient information to admit or deny the allegations of  
2 Paragraph 3.2.6 and on this basis deny them.

3 3.2.7 It seems Plaintiff has struck this paragraph from the SAC. To the extent  
4 Plaintiff has not struck this paragraph, NWTS denies the statements in  
5 Paragraph 3.2.7.  
6

7 3.2.8 The statements in Paragraph 3.2.8 contain request for relief and NWTS is not  
8 required to respond. NWTS denies any implicit assertions contained in  
9 Paragraph 3.2.8.

10 3.3 Violations of Truth and Lending Act 15 U.S.C. 1641 *et seq.*

11 3.3.1 It seems Plaintiff has struck this paragraph from the SAC. To the extent  
12 Plaintiff has not struck this paragraph, NWTS re-states responses to each and  
13 every item and allegation above.  
14

15 3.3.2 It seems Plaintiff has struck this paragraph from the SAC. To the extent  
16 Plaintiff has not struck this paragraph, NWTS lacks sufficient information to  
17 admit or deny the allegations of Paragraph 3.3.2 and on this basis deny them.

18 3.3.3 It seems Plaintiff has struck this paragraph from the SAC. To the extent  
19 Plaintiff has not struck this paragraph, NWTS lacks sufficient information to  
20 admit or deny the allegations of Paragraph 3.3.3 and on this basis deny them.  
21

22 3.3.4 It seems Plaintiff has struck this paragraph from the SAC. To the extent  
23 Plaintiff has not struck this paragraph, the statements in Paragraph 3.3.4  
24 contain request for relief and NWTS is not required to respond. NWTS  
25 denies any implicit assertions contained in Paragraph 3.3.4.  
26

3.4 Violations of FD CPA 15 U.S.C. § 1692 *et seq.*

1 3.4.1 NWTS re-states responses to each and every item and allegation above.

2 3.4.2 The statements in Paragraph 3.4.2 contain legal conclusions and NWTS is  
3 not required to respond. To the extent an answer is required, NWTS denies  
4 the allegations contained in Paragraph 3.4.2.

5 3.4.3 The statements in Paragraph 3.4.3 contain legal conclusions and NWTS is  
6 not required to respond. To the extent an answer is required, NWTS lacks  
7 sufficient information to admit or deny the allegation of Paragraph 3.4.3 and  
8 on that basis deny them.

9 3.4.4 NWTS lacks sufficient information to admit or deny the allegation of  
10 Paragraph 3.4.4 and on that basis deny them.

11 3.4.5 NWTS lacks sufficient information to admit or deny the allegation of  
12 Paragraph 3.4.5 and on that basis deny them.

13 3.4.6 The statements in Paragraph 3.4.6 contain request for relief and NWTS is not  
14 required to respond. NWTS denies any implicit assertions contained in  
15 Paragraph 3.4.6.

16 3.5 Violations of FCRA 15 U.S.C. § 1681

17 3.5.1 NWTS re-states responses to each and every item and allegation above.

18 3.5.2 NWTS lacks sufficient information to admit or deny the allegations of  
19 Paragraph 3.5.2 and on that basis deny them.

20 3.5.3 NWTS lacks sufficient information to admit or deny the allegations of  
21 Paragraph 3.5.3 and on that basis deny them.

22 3.5.4 NWTS lacks sufficient information to admit or deny the allegations of  
23 Paragraph 3.5.4 and on that basis deny them.

1 3.5.5 NWTS lacks sufficient information to admit or deny the allegations of  
2 Paragraph 3.5.5 and on that basis deny them.

3 3.5.6 The statements in Paragraph 3.5.6 contain legal conclusions and NWTS is  
4 not required to respond. To the extent an answer is required, NWTS lacks  
5 sufficient information to admit or deny the allegation of Paragraph 3.5.6 and  
6 on that basis deny them.

7 3.5.7 The statements in Paragraph 3.5.7 contain legal conclusions and NWTS is  
8 not required to respond.

9  
10 3.6 Violations of the Washington Consumer Protection Act RCW 19.86 *et seq.*

11 3.6.1 NWTS re-states responses to each and every item and allegation above.

12 3.6.2 Elements of a Washington Consumer Protection Act Violation Claim

13 3.6.2.1 The statement in Paragraph 3.6.2.1 is a statement that does not  
14 warrant a denial or admission from NWTS.

15 3.6.2.2 The statements in Paragraph 3.6.2.2 contain legal conclusions and  
16 NWTS is not required to respond. To the extent an answer is  
17 required, NWTS lacks sufficient information to admit or deny the  
18 allegations contained in Paragraph 3.6.2.2 and on this basis deny  
19 them.

20 3.6.3 Plaintiff alleges that Defendant Northwest Trustee has Violated the WA  
21 CPA

22 3.6.3.1 The statements in Paragraph 3.6.3.1 contain legal conclusions and  
23 NWTS is not required to respond. To the extent an answer is  
24 required, NWTS lacks sufficient information to admit or deny the  
25  
26

1                   allegations contained in Paragraph 3.6.3.1, and on this basis deny  
2                   them.

3                   3.6.3.2 NWTs admits it is selling services in Washington State. The other  
4                   statements in Paragraph 3.6.3.2 are statements that do not warrant a  
5                   denial or admission by NWTs.

6                   3.6.3.3 The statements in Paragraph 3.6.3.3 contain legal conclusions and  
7                   NWTs is not required to respond. To the extent an answer is  
8                   required, NWTs lacks sufficient information to admit or deny the  
9                   allegations contained in Paragraph 3.6.3.3 and on this basis deny  
10                  them.

11                 3.6.3.4 The statements in Paragraph 3.6.3.4 contain legal conclusions and  
12                 NWTs is not required to respond. To the extent an answer is  
13                 required, NWTs lacks sufficient information to admit or deny the  
14                 allegations contained in Paragraph 3.6.3.4 and on this basis deny  
15                 them.

16                 3.6.3.5 The statements in Paragraph 3.6.3.5 contain legal conclusions and  
17                 NWTs is not required to respond. To the extent an answer is  
18                 required, NWTs lacks sufficient information to admit or deny the  
19                 allegations contained in Paragraph 3.6.3.5 and on this basis deny  
20                 them.

21                 3.6.3.6 The statements in Paragraph 3.6.3.6 contain legal conclusions and  
22                 NWTs is not required to respond. To the extent an answer is  
23                 required, NWTs lacks sufficient information to admit or deny the  
24                 allegations contained in Paragraph 3.6.3.6 and on this basis deny  
25                 them.

1                   allegations contained in Paragraph 3.6.3.6 and on this basis deny  
2                   them.

3                   3.6.4 Plaintiff Alleges that OneWest has Violated the WA CPA

4                   3.6.4.1 NWTs denies the allegations in Paragraph 3.6.4.1.

5                   3.6.4.2 The statements in Paragraph 3.6.4.2 contain statements that do not  
6                   warrant a denial or admission by NWTs. To the extent an answer is  
7                   required, NWTs lacks sufficient information to admit or deny the  
8                   allegations contained in Paragraph 3.6.4.2 and on this basis deny  
9                   them.

10                  3.6.4.3 The statements in Paragraph 3.6.4.3 contain legal conclusions and  
11                  NWTs is not required to respond. To the extent an answer is  
12                  required, NWTs lacks sufficient information to admit or deny the  
13                  allegations contained in Paragraph 3.6.4.3 and on this basis deny  
14                  them.

15                  3.6.4.4 The statements in Paragraph 3.6.4.4 contain legal conclusions and  
16                  NWTs is not required to respond. To the extent an answer is  
17                  required, NWTs lacks sufficient information to admit or deny the  
18                  allegations contained in Paragraph 3.6.4.4 and on this basis deny  
19                  them.

20                  3.6.4.5 The statements in Paragraph 3.6.4.5 contain legal conclusions and  
21                  NWTs is not required to respond. To the extent an answer is  
22                  required, NWTs lacks sufficient information to admit or deny the  
23                  allegations contained in Paragraph 3.6.4.5 and on this basis deny  
24                  them.

1                   allegations contained in Paragraph 3.6.4.5 and on this basis deny  
2                   them.

3                   3.6.4.6 The statements in Paragraph 3.6.4.6 contain legal conclusions and  
4                   NWTS is not required to respond. To the extent an answer is  
5                   required, NWTS lacks sufficient information to admit or deny the  
6                   allegations contained in Paragraph 3.6.4.6 and on this basis deny  
7                   them.

8  
9                   3.6.5 Plaintiff alleges that Defendant MERS has Violated the WA CPA

10                   3.6.5.1 NWTS lacks sufficient information to admit or deny the allegations  
11                   contained in Paragraph 3.6.5.1 and on this basis deny them.

12                   3.6.5.2 The statements in Paragraph 3.6.5.2 contain legal conclusions and  
13                   NWTS is not required to respond. To the extent an answer is  
14                   required, NWTS lacks sufficient information to admit or deny the  
15                   allegations contained in Paragraph 3.6.5.2 and on this basis deny  
16                   them.

17  
18                   3.6.5.3 The statements in Paragraph 3.6.5.3 contain legal conclusions and  
19                   NWTS is not required to respond. To the extent an answer is  
20                   required, NWTS lacks sufficient information to admit or deny the  
21                   allegations contained in Paragraph 3.6.5.3 and on this basis deny  
22                   them.

23  
24                   3.6.5.4 The statements in Paragraph 3.6.5.4 contain legal conclusions and  
25                   NWTS is not required to respond. To the extent an answer is  
26                   required, NWTS lacks sufficient information to admit or deny the

1                   allegations contained in Paragraph 3.6.5.4 and on this basis deny  
2                   them.

3                   3.6.5.5 The statements in Paragraph 3.6.5.5 contain legal conclusions and  
4                   NWTS is not required to respond. To the extent an answer is  
5                   required, NWTS lacks sufficient information to admit or deny the  
6                   allegations contained in Paragraph 3.6.5.5 and on this basis deny  
7                   them.

8                   3.6.5.6 The statements in Paragraph 3.6.5.6 contain legal conclusions and  
9                   NWTS is not required to respond. To the extent an answer is  
10                  required, NWTS lacks sufficient information to admit or deny the  
11                  allegations contained in Paragraph 3.6.5.6 and on this basis deny  
12                  them.

13                  3.6.6 The statements in Paragraph 3.6.6 contain request for relief and NWTS is not  
14                  required to respond. NWTS denies any implicit assertions contained in  
15                  Paragraph 3.6.6.

16                  3.7     Fraud

17                  3.7.1   NWTS re-states responses to each and every item and allegation above.

18                  3.7.2   Elements, Requirements and Definition of Pleading Fraud

19                  3.7.2.1 The statement in Paragraph 3.7.2.1 is a statement that does not  
20                  warrant a denial or admission from NWTS.

21                  3.7.2.2 The statement in Paragraph 3.7.2.2 is a statement that does not  
22                  warrant a denial or admission from NWTS.



1                   3.7.2.3 The statement in Paragraph 3.7.2.3 is a statement that does not  
2                   warrant a denial or admission from NWTs.

3           3.7.3 Count One: Defendant OneWest and the Notice of Default

4                   3.7.3.1 NWTs asserts that the Notice of Default speaks for itself. To the  
5                   extent an answer is required, NWTs lacks sufficient information to  
6                   admit or deny the remaining allegations of Paragraph 3.7.3.1 and on  
7                   this basis deny them.  
8

9                   3.7.3.2 The statement in Paragraph 3.7.3.2 is a statement that does not  
10                  warrant a denial or admission from NWTs.

11                  3.7.3.3 The statements in Paragraph 3.7.3.3 contain legal conclusions and  
12                  NWTs is not required to respond. To the extent an answer is  
13                  required, NWTs lacks sufficient information to admit or deny the  
14                  allegations contained in Paragraph 3.7.3.3 and on this basis deny  
15                  them.  
16

17                  3.7.3.4 The statements in Paragraph 3.7.3.4 contain legal conclusions and  
18                  NWTs is not required to respond. To the extent an answer is  
19                  required, NWTs lacks sufficient information to admit or deny the  
20                  allegations contained in Paragraph 3.7.3.4 and on this basis deny  
21                  them.  
22

23                  3.7.3.5 The statements in Paragraph 3.7.3.5 contain legal conclusions and  
24                  NWTs is not required to respond. To the extent an answer is  
25                  required, NWTs lacks sufficient information to admit or deny the  
26

1                   allegations contained in Paragraph 3.7.3.5 and on this basis deny  
2                   them.

3                   3.7.3.6 The statements in Paragraph 3.7.3.6 contain legal conclusions and  
4                   NWTS is not required to respond. To the extent an answer is  
5                   required, NWTS lacks sufficient information to admit or deny the  
6                   allegations contained in Paragraph 3.7.3.6 and on this basis deny  
7                   them.

8                   3.7.3.7 The statements in Paragraph 3.7.3.7 contain statements to do not  
9                   warrant a denial or admission from NWTS. To the extent an  
10                  answer is required, NWTS lacks sufficient information to admit or  
11                  deny the allegations contained in Paragraph 3.7.3.7 and on this basis  
12                  deny them.

13                  3.7.3.8 The statements in Paragraph 3.7.3.8 contain legal conclusions and  
14                  NWTS is not required to respond. To the extent an answer is  
15                  required, NWTS lacks sufficient information to admit or deny the  
16                  allegations contained in Paragraph 3.7.3.8 and on this basis deny  
17                  them.

18                  3.7.3.9 The statements in Paragraph 3.7.3.9 contain legal conclusions and  
19                  NWTS is not required to respond. To the extent an answer is  
20                  required, NWTS lacks sufficient information to admit or deny the  
21                  allegations contained in Paragraph 3.7.3.9 and on this basis deny  
22                  them.

23                  3.7.4 Count Two: Defendant Northwest Trustee and the Notice of Default  
24  
25  
26

1 3.7.4.1 NWTs asserts that the Notice of Default speaks for itself. To the  
2 extent an answer is required, NWTs lacks sufficient information to  
3 admit or deny the remaining allegations of Paragraph 3.7.4.1 and on  
4 this basis deny them.

5 3.7.4.2 The statement in Paragraph 3.7.4.2 is a statement that does not  
6 warrant a denial or admission from NWTs.

7 3.7.4.3 The statements in Paragraph 3.7.4.3 contain legal conclusions and  
8 NWTs is not required to respond. To the extent an answer is  
9 required, NWTs denies allegations contained in Paragraph 3.7.4.3.

10 3.7.4.4 The statements in Paragraph 3.7.4.4 contain legal conclusions and  
11 NWTs is not required to respond. To the extent an answer is  
12 required, NWTs lacks sufficient information to admit or deny the  
13 allegations contained in Paragraph 3.7.4.4 and on this basis deny  
14 them.

15 3.7.4.5 The statements in Paragraph 3.7.4.5 contain legal conclusions and  
16 NWTs is not required to respond. To the extent an answer is  
17 required, NWTs lacks sufficient information to admit or deny the  
18 allegations contained in Paragraph 3.7.4.5 and on this basis deny  
19 them.

20 3.7.4.6 The statements in Paragraph 3.7.4.6 contain legal conclusions and  
21 NWTs is not required to respond. To the extent an answer is  
22 required, NWTs lacks sufficient information to admit or deny the  
23

1                   allegations contained in Paragraph 3.7.4.6 and on this basis deny  
2                   them.

3                   3.7.4.7 The statements in Paragraph 3.7.4.7 contain legal conclusions and  
4                   NWTs is not required to respond. To the extent an answer is  
5                   required, NWTs lacks sufficient information to admit or deny the  
6                   allegations contained in Paragraph 3.7.4.7 and on this basis deny  
7                   them.

8                   3.7.4.8 The statements in Paragraph 3.7.4.8 contain legal conclusions and  
9                   NWTs is not required to respond. To the extent an answer is  
10                  required, NWTs lacks sufficient information to admit or deny the  
11                  allegations contained in Paragraph 3.7.4.8 and on this basis deny  
12                  them.

13                  3.7.4.9 The statements in Paragraph 3.7.4.9 contain legal conclusions and  
14                  NWTs is not required to respond. To the extent an answer is  
15                  required, NWTs lacks sufficient information to admit or deny the  
16                  allegations contained in Paragraph 3.7.4.9 and on this basis deny  
17                  them.

18                  3.7.5 Count Three: Defendant Northwest Trustee and the Notice of Trustee's Sale

19                  3.7.5.1 NWTs asserts that the Notice of Trustee's Sale speaks for itself. To  
20                  the extent an answer is required, NWTs lacks sufficient information  
21                  to admit or deny the remaining allegations of Paragraph 3.7.5.1 and  
22                  on this basis deny them.

1                   3.7.5.2 The statement in Paragraph 3.7.5.2 is a statement that does not  
2                   warrant a denial or admission from NWTs.

3                   3.7.5.3 The statements in Paragraph 3.7.5.3 contain legal conclusions and  
4                   NWTs is not required to respond. To the extent an answer is  
5                   required, NWTs denies the allegations contained in Paragraph  
6                   3.7.5.3.

7  
8                   3.7.5.4 To the extent the statements in Paragraph 3.7.5.4 contain legal  
9                   conclusions, NWTs is not required to answer. NWTs asserts that  
10                  the Assignment of the Deed of Trust and Appointment of Successor  
11                  Trustee speaks for themselves. To the extent an answer is required,  
12                  NWTs lacks sufficient information to admit or deny the remaining  
13                  allegations of Paragraph 3.7.5.4 and on this basis deny them.

14  
15                  3.7.5.5 The statements in Paragraph 3.7.5.5 contain legal conclusions and  
16                  NWTs is not required to respond. To the extent an answer is  
17                  required, NWTs lacks sufficient information to admit or deny the  
18                  allegations contained in Paragraph 3.7.5.5 and on this basis deny  
19                  them.

20  
21                  3.7.5.6 The statement in Paragraph 3.7.5.6 is a statement that does not  
22                  warrant a denial or admission from NWTs. To the extent an  
23                  answer is required, NWTs lacks sufficient information to admit or  
24                  deny the allegations contained in Paragraph 3.7.5.6 and on this basis  
25                  deny them.

26

1           3.7.5.7 The statement in Paragraph 3.7.5.7 is a statement that does not  
2           warrant a denial or admission from NWTs. To the extent an  
3           answer is required, NWTs lacks sufficient information to admit or  
4           deny the allegations contained in Paragraph 3.7.5.7 and on this basis  
5           deny them.

6  
7           3.7.5.8 The statements in Paragraph 3.7.3.8 contain legal conclusions and  
8           NWTs is not required to respond. To the extent an answer is  
9           required, NWTs lacks sufficient information to admit or deny the  
10          allegations contained in Paragraph 3.7.3.8 and on this basis deny  
11          them.

12          3.7.5.9 The statements in Paragraph 3.7.3.9 contain legal conclusions and  
13          NWTs is not required to respond. To the extent an answer is  
14          required, NWTs lacks sufficient information to admit or deny the  
15          allegations contained in Paragraph 3.7.3.9 and on this basis deny  
16          them.

17  
18          3.7.6 Count Four: Defendant Northwest Trustee and the Amended notice of  
19          Trustee Sale

20          3.7.6.1 NWTs asserts that the Amended Notice of Trustee's Sale speaks for  
21          itself. To the extent an answer is required, NWTs lacks sufficient  
22          information to admit or deny the remaining allegations of Paragraph  
23          3.7.6.1 and on this basis deny them.

24          3.7.6.2 The statement in Paragraph 3.7.6.2 is a statement that does not  
25          warrant a denial or admission from NWTs.  
26

1 3.7.6.3 The statements in Paragraph 3.7.6.3 contain legal conclusions and  
2 NWTs is not required to respond. To the extent an answer is  
3 required, NWTs denies the allegations contained in Paragraph  
4 3.7.6.3.

5 3.7.6.4 To the extent Paragraph 3.7.6.4 contain legal conclusions, NWTs is  
6 not require to respond. NWTs asserts that the Assignment of the  
7 Deed of Trust and Appointment of Successor Trustee speak for  
8 themselves.

9 3.7.6.5 The statement in Paragraph 3.7.6.5 contains a legal conclusion and  
10 NWTs is not required to respond. To the extent an answer is  
11 required, NWTs lacks sufficient information to admit or deny the  
12 allegation contained in Paragraph 3.7.6.5 and on this basis deny it.

13 3.7.6.6 The statements in Paragraph 3.7.6.6 contain legal conclusions and  
14 NWTs is not required to respond. To the extent an answer is  
15 required, NWTs lacks sufficient information to admit or deny the  
16 allegations contained in Paragraph 3.7.6.6 and on this basis deny  
17 them.

18 3.7.6.7 The statement in Paragraph 3.7.6.7 is a statement that does not  
19 warrant a denial or admission from NWTs. To the extent an  
20 answer is required, NWTs lacks sufficient information to admit or  
21 deny the allegations contained in Paragraph 3.7.6.7 and on this basis  
22 deny them.

1                   3.7.6.8 The statements in Paragraph 3.7.6.8 contain legal conclusions and  
2                   NWTS is not required to respond. To the extent an answer is  
3                   required, NWTS lacks sufficient information to admit or deny the  
4                   allegations contained in Paragraph 3.7.6.8 and on this basis deny  
5                   them.

6  
7                   3.7.6.9 The statements in Paragraph 3.7.3.9 contain legal conclusions and  
8                   NWTS is not required to respond. To the extent an answer is  
9                   required, NWTS lacks sufficient information to admit or deny the  
10                  allegations contained in Paragraph 3.7.3.9 and on this basis deny  
11                  them.

12                  3.7.7 Count Five: Defendant MERS and the Assignment of the Deed of Trust

13                  3.7.7.1 NWTS asserts that the Assignment of the Deed of Trust speaks for  
14                  itself. To the extent an answer is required, NWTS lacks sufficient  
15                  information to admit or deny the remaining allegations of Paragraph  
16                  3.7.7.1 and on this basis deny them.

17  
18                  3.7.7.2 The statement in Paragraph 3.7.7.2 is a statement that does not  
19                  warrant a denial or admission from NWTS.

20                  3.7.7.3 The statements in Paragraph 3.7.7.3 contain legal conclusions and  
21                  NWTS is not required to respond. To the extent an answer is  
22                  required, NWTS lacks sufficient information to admit or deny the  
23                  allegations contained in Paragraph 3.7.7.3 and on this basis deny  
24                  them.  
25  
26



1 3.7.7.4 To the extent Paragraph 3.7.7.4 contains legal conclusions, NWTs is  
2 not required to respond. To the extent an answer is required, NWTs  
3 lacks sufficient information to admit or deny the remaining  
4 allegations of Paragraph 3.7.7.4 and on this basis deny them.

5 3.7.7.5 The statements in Paragraph 3.7.7.5 contain legal conclusions and  
6 NWTs is not required to respond. To the extent an answer is  
7 required, NWTs lacks sufficient information to admit or deny the  
8 allegations contained in Paragraph 3.7.7.5 and on this basis deny  
9 them.  
10

11 3.7.7.6 The statement in Paragraph 3.7.7.6 is a statement that does not  
12 warrant a denial or admission from NWTs. To the extent an  
13 answer is required, NWTs lacks sufficient information to admit or  
14 deny the allegations contained in Paragraph 3.7.7.6 and on this basis  
15 deny them.  
16

17 3.7.7.7 The statement in Paragraph 3.7.7.7 is a statement that does not  
18 warrant a denial or admission from NWTs. To the extent an  
19 answer is required, NWTs lacks sufficient information to admit or  
20 deny the allegations contained in Paragraph 3.7.7.7 and on this basis  
21 deny them.  
22

23 3.7.7.8 The statements in Paragraph 3.7.7.8 contain legal conclusions and  
24 NWTs is not required to respond. To the extent an answer is  
25 required, NWTs lacks sufficient information to admit or deny the  
26

1                   allegations contained in Paragraph 3.7.7.8 and on this basis deny  
2                   them.

3                   3.7.7.9 The statements in Paragraph 3.7.3.9 contain legal conclusions and  
4                   NWTs is not required to respond. To the extent an answer is  
5                   required, NWTs lacks sufficient information to admit or deny the  
6                   allegations contained in Paragraph 3.7.3.9 and on this basis deny  
7                   them.

8  
9                   3.7.8 Count Six: Defendant OneWest and the Appointment of Successor Trustee

10                   3.7.8.1 NWTs asserts that the Appointment of Successor Trustee speaks for  
11                   itself. To the extent an answer is required, NWTs lacks sufficient  
12                   information to admit or deny the remaining allegations of Paragraph  
13                   3.7.8.1 and on this basis deny them.

14  
15                   3.7.8.2 The statement in Paragraph 3.7.8.2 is a statement that does not  
16                   warrant a denial or admission from NWTs.

17                   3.7.8.3 The statements in Paragraph 3.7.8.3 contain legal conclusions and  
18                   NWTs is not required to respond. To the extent an answer is  
19                   required, NWTs lacks sufficient information to admit or deny the  
20                   allegations contained in Paragraph 3.7.8.3 and on this basis deny  
21                   them.

22  
23                   3.7.8.4 The statements in Paragraph 3.7.8.4 contain legal conclusions and  
24                   NWTs is not required to respond. To the extent an answer is  
25                   required, NWTs lacks sufficient information to admit or deny the  
26

1 remaining allegations of Paragraph 3.7.8.4 and on this basis deny  
2 them.

3 3.7.8.5 The statements in Paragraph 3.7.8.5 contain legal conclusions and  
4 NWTs is not required to respond. To the extent an answer is  
5 required, NWTs lacks sufficient information to admit or deny the  
6 allegations contained in Paragraph 3.7.8.5 and on this basis deny  
7 them.  
8

9 3.7.8.6 The statement in Paragraph 3.7.8.6 is a statement that does not  
10 warrant a denial or admission from NWTs. To the extent an  
11 answer is required, NWTs lacks sufficient information to admit or  
12 deny the allegations contained in Paragraph 3.7.8.6 and on this basis  
13 deny them.  
14

15 3.7.8.7 The statements in Paragraph 3.7.8.7 contain legal conclusions and  
16 NWTs is not required to respond. To the extent an answer is  
17 required, NWTs lacks sufficient information to admit or deny the  
18 allegations contained in Paragraph 3.7.8.7 and on this basis deny  
19 them.  
20

21 3.7.8.8 The statements in Paragraph 3.7.8.8 are statements that do not  
22 warrant a denial or admission from NWTs. To the extent an  
23 answer is required, NWTs lacks sufficient information to admit or  
24 deny the allegations contained in Paragraph 3.7.8.8 and on this basis  
25 deny them.  
26

1                   3.7.8.9 The statements in Paragraph 3.7.8.9 contain legal conclusions and  
2                   NWTS is not required to respond. To the extent an answer is  
3                   required, NWTS lacks sufficient information to admit or deny the  
4                   allegations contained in Paragraph 3.7.8.9 and on this basis deny  
5                   them.  
6

7                   3.7.9 Fraud on the Court

8                   3.7.9.1 The statements in Paragraph 3.7.9.1 are legal conclusions and  
9                   NWTS is not required to answer. To the extent an answer is  
10                  required, NWTS lacks sufficient information to admit or deny the  
11                  allegations contained in Paragraph 3.7.9.1 and on this basis deny  
12                  them.  
13

14                  3.7.9.2 The statements in Paragraph 3.7.9.2 are legal conclusions and  
15                  NWTS is not required to answer. To the extent an answer is  
16                  required, NWTS lacks sufficient information to admit or deny the  
17                  allegations contained in Paragraph 3.7.9.2 and on this basis deny  
18                  them.  
19

20                  3.7.9.3 The statements in Paragraph 3.7.9.3 are statements that do not  
21                  warrant a denial or admission from NWTS. To the extent an answer  
22                  is required, NWTS lacks sufficient information to admit or deny the  
23                  allegations contained in Paragraph 3.7.9.3 and on this basis deny  
24                  them.  
25  
26

1           3.7.10 The statements in Paragraph 3.7.10 contain request for relief and NWTS is  
2                           not required to respond. NWTS denies any implicit assertions contained in  
3                           Paragraph 3.7.10.

4           3.8    Civil Conspiracy

5           3.8.1   NWTS re-states responses to each and every item and allegation above.

6           3.8.2   Elements and Requirements of Civil Conspiracy

7                           3.8.2.1 The statements in Paragraph 3.8.2.1 are statements that do not  
8   warrant a denial or admission from NWTS.

9           3.8.3   Conspiracy of NWTS Against Plaintiff

10                           3.8.3.1 The statements in Paragraph 3.8.3.1 contain legal conclusions and  
11   NWTS is not required to respond. To the extent an answer is  
12   required, NWTS denies the allegations contained in Paragraph  
13   3.8.3.1.

14                           3.8.3.2 The statements in Paragraph 3.8.3.2 contain legal conclusions and  
15   NWTS is not required to respond. To the extent an answer is  
16   required, NWTS lacks sufficient information to admit or deny the  
17   allegations contained in Paragraph 3.8.3.2 and on this basis deny  
18   them.

19                           3.8.3.3 The statements in Paragraph 3.8.3.3 contain legal conclusions and  
20   NWTS is not required to respond. To the extent an answer is  
21   required, NWTS lacks sufficient information to admit or deny the  
22   allegations contained in Paragraph 3.8.3.3 and on this basis deny  
23   them.

1                   3.8.3.4 The statements in Paragraph 3.8.3.4 contain legal conclusions and  
2                   NWTS is not required to respond. To the extent an answer is  
3                   required, NWTS lacks sufficient information to admit or deny the  
4                   allegations contained in Paragraph 3.8.3.4 and on this basis deny  
5                   them.  
6

7                   3.8.4 The statements in Paragraph 3.8.4 contain request for relief and NWTS is not  
8                   required to respond. NWTS denies any implicit assertions contained in  
9                   Paragraph 3.8.4.

10           3.9    Slander of Title

11                   3.9.1 NWTS re-states responses to each and every item and allegation above.

12                   3.9.2 Elements of Slander of Title

13                               3.9.2.1 The statements in Paragraph 3.9.2.1 are statements that do not  
14                               warrant a denial or admission from NWTS.  
15

16                   3.9.3 Count 1: Assignment of Deed of Trust

17                               3.9.3.1 The statements in Paragraph 3.9.3.1 contain legal conclusions and  
18                               NWTS is not required to respond. To the extent an answer is  
19                               required, NWTS lacks sufficient information to admit or deny the  
20                               allegations contained in Paragraph 3.9.3.1 and on this basis deny  
21                               them.  
22

23                               3.9.3.2 The statements in Paragraph 3.9.3.2 contain legal conclusions and  
24                               NWTS is not required to respond. To the extent an answer is  
25                               required, NWTS lacks sufficient information to admit or deny the  
26

1                   allegations contained in Paragraph 3.9.3.2 and on this basis deny  
2                   them.

3                   3.9.3.3 The statements in Paragraph 3.9.3.3 contain legal conclusions and  
4                   NWTs is not required to respond. To the extent an answer is  
5                   required, NWTs lacks sufficient information to admit or deny the  
6                   allegations contained in Paragraph 3.9.3.3 and on this basis deny  
7                   them.

8                   3.9.3.4 The statements in Paragraph 3.9.3.4 contain legal conclusions and  
9                   NWTs is not required to respond. To the extent an answer is  
10                  required, NWTs lacks sufficient information to admit or deny the  
11                  allegations contained in Paragraph 3.9.3.4 and on this basis deny  
12                  them.

13                  3.9.3.5 The statements in Paragraph 3.9.3.5 contain legal conclusions and  
14                  NWTs is not required to respond. To the extent an answer is  
15                  required, NWTs lacks sufficient information to admit or deny the  
16                  allegations contained in Paragraph 3.9.3.5 and on this basis deny  
17                  them.

18                  3.9.4   Count 2: Appointment of Successor Trustee

19                  3.9.4.1 The statements in Paragraph 3.9.4.1 contain legal conclusions and  
20                  NWTs is not required to respond. To the extent an answer is  
21                  required, NWTs lacks sufficient information to admit or deny the  
22                  allegations contained in Paragraph 3.9.4.1 and on this basis deny  
23                  them.

1 3.9.4.2 The statements in Paragraph 3.9.4.2 contain legal conclusions and  
2 NWTS is not required to respond. To the extent an answer is  
3 required, NWTS lacks sufficient information to admit or deny the  
4 allegations contained in Paragraph 3.9.4.2 and on this basis deny  
5 them.

6  
7 3.9.4.3 The statements in Paragraph 3.9.4.3 contain legal conclusions and  
8 NWTS is not required to respond. To the extent an answer is  
9 required, NWTS lacks sufficient information to admit or deny the  
10 allegations contained in Paragraph 3.9.4.3 and on this basis deny  
11 them.

12  
13 3.9.4.4 The statements in Paragraph 3.9.4.4 contain legal conclusions and  
14 NWTS is not required to respond. To the extent an answer is  
15 required, NWTS lacks sufficient information to admit or deny the  
16 allegations contained in Paragraph 3.9.4.4 and on this basis deny  
17 them.

18  
19 3.9.4.5 The statements in Paragraph 3.9.4.5 contain legal conclusions and  
20 NWTS is not required to respond. To the extent an answer is  
21 required, NWTS lacks sufficient information to admit or deny the  
22 allegations contained in Paragraph 3.9.4.5 and on this basis deny  
23 them.

24 3.9.5 Count 3: Notice of Trustee Sale

25 3.9.5.1 The statements in Paragraph 3.9.5.1 contain legal conclusions and  
26 NWTS is not required to respond. To the extent an answer is



1 required, NWTs lacks sufficient information to admit or deny the  
2 allegations contained in Paragraph 3.9.5.1 and on this basis deny  
3 them.

4 3.9.5.2 The statements in Paragraph 3.9.5.2 contain legal conclusions and  
5 NWTs is not required to respond. To the extent an answer is  
6 required, NWTs lacks sufficient information to admit or deny the  
7 allegations contained in Paragraph 3.9.5.2 and on this basis deny  
8 them.

9 3.9.5.3 The statements in Paragraph 3.9.5.3 contain legal conclusions and  
10 NWTs is not required to respond. To the extent an answer is  
11 required, NWTs lacks sufficient information to admit or deny the  
12 allegations contained in Paragraph 3.9.5.3 and on this basis deny  
13 them.

14 3.9.5.4 The statements in Paragraph 3.9.5.4 contain legal conclusions and  
15 NWTs is not required to respond. To the extent an answer is  
16 required, NWTs lacks sufficient information to admit or deny the  
17 allegations contained in Paragraph 3.9.5.4 and on this basis deny  
18 them.

19 3.9.5.5 The statements in Paragraph 3.9.5.5 contain legal conclusions and  
20 NWTs is not required to respond. To the extent an answer is  
21 required, NWTs lacks sufficient information to admit or deny the  
22 allegations contained in Paragraph 3.9.5.5 and on this basis deny  
23 them.

3.9.6 Count 4: Amended Notice of Trustee Sale

3.9.6.1 The statements in Paragraph 3.9.6.1 contain legal conclusions and NWTs is not required to respond. To the extent an answer is required, NWTs lacks sufficient information to admit or deny the allegations contained in Paragraph 3.9.6.1 and on this basis deny them.

3.9.6.2 The statements in Paragraph 3.9.6.2 contain legal conclusions and NWTs is not required to respond. To the extent an answer is required, NWTs lacks sufficient information to admit or deny the allegations contained in Paragraph 3.9.6.2 and on this basis deny them.

3.9.6.3 The statements in Paragraph 3.9.6.3 contain legal conclusions and NWTs is not required to respond. To the extent an answer is required, NWTs lacks sufficient information to admit or deny the allegations contained in Paragraph 3.9.6.3 and on this basis deny them.

3.9.6.4 The statements in Paragraph 3.9.6.4 contain legal conclusions and NWTs is not required to respond. To the extent an answer is required, NWTs lacks sufficient information to admit or deny the allegations contained in Paragraph 3.9.6.4 and on this basis deny them.

3.9.6.5 The statements in Paragraph 3.9.6.5 contain legal conclusions and NWTs is not required to respond. To the extent an answer is

1 required, NWTS lacks sufficient information to admit or deny the  
2 allegations contained in Paragraph 3.9.6.5 and on this basis deny  
3 them.

4  
5 3.9.7 The statements in Paragraph 3.9.7 contain request for relief and NWTS is not  
6 required to respond. NWTS denies any implicit assertions contained in  
7 Paragraph 3.9.7.

8 3.10 Declaratory Relief; Lack of Standing

9 3.10.1 NWTS re-states responses to each and every item and allegation above.

10 3.10.2 NWTS lacks sufficient knowledge to admit or deny the allegations contained  
11 in Paragraph 3.10.2 and on this basis deny them.

12 3.10.3 NWTS lacks sufficient knowledge to admit or deny the allegations contained  
13 in Paragraph 3.10.3 and on this basis deny them.

14  
15 3.10.4 To the extent the statements in Paragraph 3.9.7 contain request for relief and  
16 NWTS is not required to respond. To the remaining allegations, NWTS  
17 denies the statements contained in Paragraph 3.10.4.

18 3.10.5 The statements in Paragraph 3.10.5 contain legal conclusions and NWTS  
19 is not required to respond. To the extent an answer is required, NWTS  
20 lacks sufficient information to admit or deny the allegations contained in  
21 Paragraph 3.10.5 and on this basis deny them.

22  
23 3.10.6 The statements in Paragraph 3.10.6 contain legal conclusions and NWTS  
24 is not required to respond. To the extent an answer is required, NWTS  
25 lacks sufficient information to admit or deny the allegations contained in  
26 Paragraph 3.10.5 and on this basis deny them.

1           3.10.7 The statements in Paragraph 3.10.7 contain request for relief and NWTS is  
2                           not required to respond. NWTS denies any implicit assertions contained in  
3                           Paragraph 3.10.7.

4           3.11 Permanent Injunction

5           3.11.1 The statement in Paragraph 3.11.1 is a legal conclusion and NWTS is not  
6                           required to answer.

7                   3.11.1.1 The statements in Paragraph 3.11.1.1 contain legal conclusions and  
8   NWTS is not required to answer.

9                   3.11.1.2 The statements in Paragraph 3.11.1.2 contain legal conclusions and  
10   NWTS is not required to answer.

11                   3.11.1.3 The statements in Paragraph 3.11.1.3 contain legal conclusions and  
12   NWTS is not required to respond.

13                   3.11.1.4 The statements in Paragraph 3.11.1.4 contain legal conclusions and  
14   NWTS is not required to answer.

15           3.11.2 NWTS re-states responses to each and every item and allegation above.

16           3.11.3 The statements in Paragraph 3.11.3 contain request for relief and NWTS is  
17                           not required to respond. NWTS denies any implicit assertions contained in  
18                           Paragraph 3.11.3.

19           3.11.4 The statements in Paragraph 3.11.4 contain request for relief and NWTS is  
20                           not required to respond. NWTS denies any implicit assertions contained in  
21                           Paragraph 3.11.4.

1           3.11.5 The statements in Paragraph 3.11.5 contain request for relief and NWTS is  
2                           not required to respond. NWTS denies any implicit assertions contained in  
3                           Paragraph 3.11.5.

4           3.11.6 The statements in Paragraph 3.11.6 contain request for relief and NWTS is  
5                           not required to respond. NWTS denies any implicit assertions contained in  
6                           Paragraph 3.11.6.

7  
8                           **IV. REQUESTS FOR RELIEF**

9           4.1     The statements in Paragraph 4.1 contain request for relief and NWTS is not required  
10                           to respond. NWTS denies any implicit assertions contained in Paragraph 4.1.

11           4.1.1   The statements in Paragraph 4.1.1 contain request for relief and NWTS is not  
12                           required to respond. NWTS denies any implicit assertions contained in  
13                           Paragraph 4.2.

14           4.1.2   The statements in Paragraph 4.1.2 contain request for relief and NWTS is not  
15                           required to respond. NWTS denies any implicit assertions contained in  
16                           Paragraph 4.1.2.

17           4.1.3   The statements in Paragraph 4.1.3 contain request for relief and NWTS is not  
18                           required to respond. NWTS denies any implicit assertions contained in  
19                           Paragraph 4.1.3.

20           4.2     The statements in Paragraph 4.2 contain request for relief and NWTS is not required  
21                           to respond. NWTS denies any implicit assertions contained in Paragraph 4.2.

22           4.3     The statements in Paragraph 4.3 contain request for relief and NWTS is not required  
23                           to respond. NWTS denies any implicit assertions contained in Paragraph 4.3.

1       4.4     The statements in Paragraph 4.4 contain request for relief and NWTs is not required  
2             to respond. NWTs denies any implicit assertions contained in Paragraph 4.4.

3       4.5     The statements in Paragraph 4.5 contain request for relief and NWTs is not required  
4             to respond. NWTs denies any implicit assertions contained in Paragraph 4.5.

5       4.6     The statements in Paragraph 4.6 contain request for relief and NWTs is required to  
6             respond. NWTs denies any implicit assertions contained in Paragraph 4.6.

7       4.7     The statements in Paragraph 4.7 contain request for relief and NWTs is not required  
8             to respond. NWTs denies any implicit assertions contained in Paragraph 4.7.

9       4.8     The statements in Paragraph 4.8 contain request for relief and NWTs is not required  
10            to respond. NWTs denies any implicit assertions contained in Paragraph 4.8.

11       4.9     The statements in Paragraph 4.9 contain request for relief and NWTs is not required  
12            to respond. NWTs denies any implicit assertions contained in Paragraph 4.9.

13       4.10    The statements in Paragraph 4.10 contain request for relief and NWTs is not  
14            required to respond. NWTs denies any implicit assertions contained in Paragraph  
15            4.10.

16       4.11    The statements in Paragraph 4.11 contain request for relief and NWTs is not  
17            required to respond. NWTs denies any implicit assertions contained in Paragraph  
18            4.11.

19       4.12    The statements in Paragraph 4.12 contain request for relief and NWTs is not  
20            required to respond. NWTs denies any implicit assertions contained in Paragraph  
21            4.12.

**V. AFFIRMATIVE DEFENSES**

Having answer Plaintiff's SAC, NWTs asserts the following affirmative defenses, the assertion of which in no way shift the burden of proof to NWTs:

1. Failure to State a Claim: The assertions in the SAC fail to state claims upon which relief can be granted.
2. Failure of Damages: Plaintiff cannot allege any cognizable damages resulting from the acts alleged in the SAC.
3. Mitigation of Damages: Plaintiff has failed to mitigate the alleged damages.
4. Waiver and Estoppel: Plaintiff's claims are barred by the equitable doctrines of waiver and estoppel.
5. Breach of Contract: Plaintiff breached the Note and defaulted according to the Deed of Trust by failing to make payment described in the Note and Deed of Trust.
6. Nonperformance of Condition Precedent: Plaintiff breached the Note and defaulted according to the Deed of Trust by failing to make payments described in the Note and Deed of Trust.
7. Laches: The claims asserted in the SAC are barred in whole or in part by the equitable doctrine of laches.
8. Contributory Fault/Unclean Hands: The claims asserted in the SAC are barred in whole or in part based on Plaintiff's contributory fault and/or unclean hands.
9. Mootness. Plaintiff's claim is moot and therefore barred at this time.
10. Statutory Exemption. The plaintiff's claim falls within an exemption from statutory coverage.
11. Insufficient service. Plaintiff has failed to effect proper service of the SAC.

1 12. NWTS also asserts the defenses of assumption of risk, mutual mistake, and reserves the  
2 right to amend this Answer by way of adding additional affirmative defenses, counter  
3 claims, or third party claims as additional facts are discovered, without waiving defenses  
4 of lack of subject matter jurisdiction or any other valid defense.  
5

6 **VI. PRAYER FOR RELIEF**

7 NWTS prays for judgment against Plaintiff as follows:

- 8 1. That Plaintiff's SAC be dismissed with prejudice;  
9 2. That the Plaintiff recovers nothing on account of the claims made in the SAC.  
10 3. That the Defendant be awarded costs of suit herein; and  
11 4. For such other and further relief as the Court deems equitable and just.  
12

13 DATED this 10<sup>th</sup> day of May, 2012.  
14

15 **ROUTH CRABTREE OLSEN, P.S.**

16   
17 By: /s/ Heidi E. Buck

18 Heidi E. Buck, WSBA No. 41769  
19 Attorneys for Northwest Trustee Services,  
20 Inc.  
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